



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET, NW
WASHINGTON, DC 20037

COPY MAILED

FEB 28 2006

OFFICE OF PETITIONS

In re Application of :
Harry Dugger, III :
Application No. 09/537,118 : **ON PETITION**
Filed: March 29, 2000 :
Attorney Docket No. N9810.0007/P007 :

This is a decision on the petition under 37 CFR 1.313, filed February 21, 2006, requesting that the above-identified application be withdrawn from issue. A Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) accompanied the present petition.

Petitioner notes that while a Notice of Allowance was mailed on November 18, 2005, it appears that the RCE and IDS filed November 16, 2005 were not considered. A review of the record confirms that the RCE and IDS filed on November 16, 2005 were not properly treated. Under the circumstances of this case, the fees paid for the RCE and the 3-month extension of time on November 16, 2005 are being refunded to counsel's deposit account.

Since the RCE filed February 21, 2006 was filed within the period set in the Notice of Allowance and Issue Fee Due mailed November 18, 2005, prosecution is reopened in the present application and no petition under 37 CFR 1.313 is necessary.

The petition is DISMISSED AS MOOT.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1616 for processing of the RCE under 37 CFR 1.114 filed February 21, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy